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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/932,613	08/17/2001	James P. Beltzer	DYXHGS-025.1 US	5083

7590

07/17/2003

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EXAMINER

ROARK, JESSICA H

ART UNIT

PAPER NUMBER

1644

DATE MAILED: 07/17/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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Commissioner for Patents

The reply filed on 5/8/03 is not fully responsive to the prior Office Action because of the following omission: Applicant has not provided an election with respect to the Species of specific disease or disorder treated as required in Section 6(B) of Paper No. 7. See 37 CFR 1.111.

While Applicant's election of the specific treatment set forth in Claim 67 (drawn to a method of increasing the lifespan of a B cell) is acknowledged; this election fails to set forth the diseases or conditions encompassed as recited in other of the independent claims (e.g., claims 1 and 12) that are also part of the Group elected. The Examiner has required Applicant to identify a particular disease or condition treated, and in addition identify which among the other methods recited are methods that recite mechanistic aspects that are concordant with the disease and the particular polypeptide elected. Since some polypeptides appear to activate B cell function whereas other polypeptides appear to inhibit B cell function, these mutually exclusive activities require identification of which claims reflect an action that could be mediated by the elected polypeptide.

If the explanation provided supra is not sufficient to clarify the Species Election set forth in Paper No. 7, Applicant is invited to contact the Examiner at the number below.

Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessica Roark, whose telephone number is (703) 605-1209. The examiner can normally be reached Monday to Friday from 8:00 to 4:30. A message may be left on the examiner's voice mail service. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan can be reached at (703) 308-3973. Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 1600 receptionist whose telephone number is (703) 308-0196.

Papers related to this application may be submitted to Technology Center 1600 by facsimile transmission. Papers should be faxed to Technology Center 1600 via the PTO Fax Center located in Crystal Mall 1. The faxing of papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The CM1 Fax Center number is (703) 305-3014.

Jessica Roark, Ph.D.
Patent Examiner
Technology Center 1600
July 15, 2003

PHILLIP GAMBEL
PHILLIP GAMBEL, PH.D.
PRIMARY EXAMINER
TECH CENTER 1600
7/16/03